

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

DEMETRIUS BROWN,
Plaintiff,

- v -

UNITED STATES DEPARTMENT
OF JUSTICE, et al.,
Defendants.

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Civil Action No.04-379 (Erie)

DECLARATION OF JOYCE HORIKAWA

I, Joyce M. Horikawa, make the following declaration under penalty of perjury:

1. I am a Senior Attorney Advisor, employed by the United States Department of Justice, Federal Bureau of Prisons, at the Northeast Regional Office in Philadelphia, Pennsylvania. I have been employed in this position since approximately April 8, 2001. Pursuant to my official duties, I have access to most records maintained in the ordinary course of business at the Federal Bureau of Prisons Northeast Regional Office, including all records maintained on the Bureau of Prisons computerized data base.

2. On March 1, 2006, I accessed the computerized administrative remedy system to determine if inmate Demetrius Brown, Register Number 21534-039, exhausted his available administrative remedies regarding the following issues that he raised in the Motion for Preliminary Injunction, which was filed in the above-captioned civil action on February 17, 2006: (1) interference with Plaintiff's access to the court alleged caused by Plaintiff's transfer from the Federal Correctional Institution (FCI), McKean, Pennsylvania to FCI Ray Brook New York, during the pendency of a civil action inmate he filed in the United States Court of Appeals for the District of Columbia Circuit; (2) deliberate indifference to Plaintiff's serious health needs, caused by his transfer from FCI McKean to FCI Ray Brook, where Plaintiff is allegedly being exposed to environmental tobacco smoke (ETS); (3) interference with Plaintiff's access to the courts caused by

the failure of the Inmate Account Officer at FCI Ray Brook to withdraw funds from Plaintiff's prison account to pay court costs and fees; (4) interference with Plaintiff's access to the courts by removing from the inmate law library at FCI Ray Brook, legal materials needed for Plaintiff to pursue his legal activities; (5) interference with Plaintiff's access to the courts by failing to provide inmates with a sufficient number of typewriters, paper, staples, paper clips, whiteout, envelopes, typewriter ribbons, correction tape, and print wheels; (6) interference with Plaintiff's access to the courts by not establishing reliable hours for inmates to access the law library; and (7) interference with Plaintiff's access to the courts by failing to timely send outgoing inmate legal mail or deliver incoming inmate legal mail.

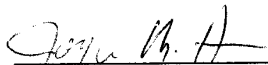
3. After a review of the computerized record inmate Brown's administrative remedy filings, I determined that he had not filed a single administrative remedy request or appeal in which he raised or appealed any of the above-listed issues.

4. Demetrius Brown's custodial history shows that on November 4, 2005, he was transferred to FCI Ray Brook, New York, where he is currently incarcerated.

5. Attached hereto, please find a true and correct copy of Inmate Public Information Data Sheet for Demetrius Brown, Register Number 21534-039.

I declare the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this ^{15th} day of March, 2005.



Joyce M. Horikawa
Senior Attorney Advisor
Federal Bureau of Prisons
Philadelphia, PA

NERH4
PAGE 001

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PUBLIC INFORMATION
INMATE DATA
AS OF 03-01-2006

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03-01-2006
10:19:02

REGNO...: 21534-039 NAME: BROWN, DEMETRIUS

RESP OF: RBK / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 518-897-4000 FAX: 518-897-4216

RACE/SEX...: BLACK / MALE
DOB/AGE....: 02-08-1972 / 34
PAR ELIG DT: N/A
PAR HEAR DT:

FBI NUMBER.: 188374WA3

PROJ REL MT: GOOD CONDUCT TIME RELEASE

PROJ REL DT: 08-04-2022

----- ADMIT/RELEASE HISTORY -----

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
RBK	A-DES	DESIGNATED, AT ASSIGNED FACIL	11-04-2004 1300	CURRENT
B01	RELEASE	RELEASED FROM IN-TRANSIT FACIL	11-04-2004 1300	11-04-2004 1300
B01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	11-04-2004 0511	11-04-2004 1300
LEW	HLD REMOVE	HOLDOVER REMOVED	11-04-2004 0511	11-04-2004 0511
LEW	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	10-29-2004 1314	11-04-2004 0511
B01	RELEASE	RELEASED FROM IN-TRANSIT FACIL	10-29-2004 1314	10-29-2004 1314
B01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	10-29-2004 0950	10-29-2004 1314
MCK	TRANSFER	TRANSFER	10-29-2004 0950	10-29-2004 0950
MCK	A-DES	DESIGNATED, AT ASSIGNED FACIL	07-08-1997 0900	10-29-2004 0950
S04	RELEASE	RELEASED FROM IN-TRANSIT FACIL	07-08-1997 0900	07-08-1997 0900
S04	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	07-08-1997 0537	07-08-1997 0900
LEW	HLD REMOVE	HOLDOVER REMOVED	07-08-1997 0537	07-08-1997 0537
LEW	A-HLD	HOLDOVER, TEMPORARILY HOUSED	06-30-1997 1839	07-08-1997 0537
A01	RELEASE	RELEASED FROM IN-TRANSIT FACIL	06-30-1997 1839	06-30-1997 1839
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	06-30-1997 0945	06-30-1997 1839
OKL	HLD REMOVE	HOLDOVER REMOVED	06-30-1997 0845	06-30-1997 0845
OKL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	06-19-1997 1615	06-30-1997 0845
1-P	RELEASE	RELEASED FROM IN-TRANSIT FACIL	06-19-1997 1715	06-19-1997 1715
1-P	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	04-14-1997 0809	06-19-1997 1715
CMS	ADMIN REL	ADMINISTRATIVE RELEASE	04-14-1997 0709	04-14-1997 0709
CMS	A-ADMIN	ADMINISTRATIVE ADMISSION	04-14-1997 0708	04-14-1997 0709

G0002

MORE PAGES TO FOLLOW . . .

NERH4 * PUBLIC INFORMATION * 03-01-2006
PAGE 002 * INMATE DATA * 10:19:02
AS OF 03-01-2006

REGNO...: 21534-039 NAME: BROWN, DEMETRIUS

RESP OF: RBK / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 518-897-4000 FAX: 518-897-4216
PRE-RELEASE PREPARATION DATE: 02-04-2022

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 08-04-2022 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: MINNESOTA
DOCKET NUMBER.....: 4-96-CR-64 (02)
JUDGE.....: ROSENBAUM
DATE SENTENCED/PROBATION IMPOSED: 05-15-1997
DATE COMMITTED.....: 07-08-1997
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$50.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 391
OFF/CHG: 21:846 & 841(B)(1)(A) CONSPIRACY TO DISTRIBUTE AND POSSESS
WITH INTENT TO DISTRIBUTE COCAINE

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 360 MONTHS
TERM OF SUPERVISION.....: 10 YEARS
CLASS OF OFFENSE.....: CLASS A FELONY
DATE OF OFFENSE.....: 05-02-1996

G0002 MORE PAGES TO FOLLOW . . .

NERH4 * PUBLIC INFORMATION * 03-01-2006
PAGE 003 * INMATE DATA * 10:19:02
AS OF 03-01-2006

REGNO...: 21534-039 NAME: BROWN, DEMETRIUS

RESP OF: RBK / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 518-897-4000 FAX: 518-897-4216

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 09-14-1998 AT MCK AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 05-15-1997
TOTAL TERM IN EFFECT.....: 360 MONTHS
TOTAL TERM IN EFFECT CONVERTED..: 30 YEARS
EARLIEST DATE OF OFFENSE.....: 05-02-1996

JAIL CREDIT.....	FROM DATE	THRU DATE
	05-23-1996	05-14-1997

TOTAL PRIOR CREDIT TIME.....: 357
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 1387
TOTAL GCT EARNED.....: 459
STATUTORY RELEASE DATE PROJECTED: 08-04-2022
SIX MONTH /10% DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 05-22-2026

PROJECTED SATISFACTION DATE.....: 08-04-2022
PROJECTED SATISFACTION METHOD....: GCT REL

G0002 MORE PAGES TO FOLLOW . . .

NERH4 * PUBLIC INFORMATION * 03-01-2006
PAGE 004 * INMATE DATA * 10:19:02
AS OF 03-01-2006

REGNO...: 21534-039 NAME: BROWN, DEMETRIUS

RESP OF: RBK / DESIGNATED, AT ASSIGNED FACIL

PRE-RELEASE PREPARATION DATE: 02-04-2022

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 08-04-2022 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 020 -----

COURT OF JURISDICTION.....: MINNESOTA
DOCKET NUMBER.....: 4-96-CR-64(02)
JUDGE.....: ROSENBAUM
DATE SENTENCED/PROBATION IMPOSED: 05-15-1997
DATE COMMITTED.....: 07-08-1997
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$50.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 381
OFF/CHG: 21:841(A)(1) & 18:2 AIDING & ABETTING POSSESSION WITH INTENT
TO DISTRIBUTE COCAINE - CT. 4

SENTENCE PROCEDURE.....: 3559 VCCLEA NON-VIOLENT SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 360 MONTHS
TERM OF SUPERVISION.....: 10 YEARS
RELATIONSHIP OF THIS OBLIGATION
TO OTHERS FOR THE OFFENDER....: CC
DATE OF OFFENSE.....: 03-23-1996

G0002 MORE PAGES TO FOLLOW . . .

NERH4 * PUBLIC INFORMATION * 03-01-2006
PAGE 005 OF 005 * INMATE DATA * 10:19:02
AS OF 03-01-2006

REGNO.: 21534-039 NAME: BROWN, DEMETRIUS

RESP OF: RBK / DESIGNATED, AT ASSIGNED FACIL
PHONE.: 518-897-4000 FAX: 518-897-4216

-----CURRENT COMPUTATION NO: 020 -----

COMPUTATION 020 WAS LAST UPDATED ON 09-14-1998 AT MCK AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 020: 020 010

DATE COMPUTATION BEGAN.....: 05-15-1997
TOTAL TERM IN EFFECT.....: 360 MONTHS
TOTAL TERM IN EFFECT CONVERTED..: 30 YEARS
EARLIEST DATE OF OFFENSE.....: 03-23-1996

JAIL CREDIT.....: FROM DATE THRU DATE
05-23-1996 05-14-1997

TOTAL PRIOR CREDIT TIME.....: 357
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED..: 1387
TOTAL GCT EARNED.....: 459
STATUTORY RELEASE DATE PROJECTED: 08-04-2022
SIX MONTH /10% DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 05-22-2026

PROJECTED SATISFACTION DATE.....: 08-04-2022
PROJECTED SATISFACTION METHOD...: GCT REL

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE